

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,) CR 11-17-H-DWM
)
Plaintiff,)
)
vs.) ORDER
)
BRUNO FRANCISCO)
LOPEZ-ALVARADO,)
)
Defendant.)
)

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on December 27, 2011. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

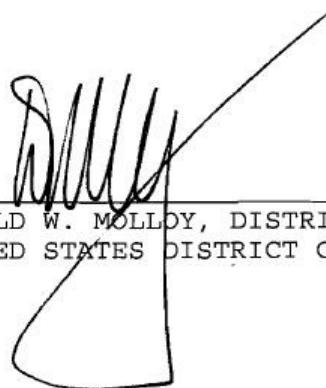
conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Bruno Francisco Lopez-Alvarado’s guilty plea after Lopez-Alvarado appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of illegal re-entry of departed alien in violation of 8 U.S.C. § 1326(a) and (b)(2).

I find no clear error in Judge Lynch’s Findings and Recommendation (dkt # 20), and I adopt them in full, including the recommendation to defer acceptance of the plea until sentencing when the Court will have reviewed the Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Bruno Francisco Lopez-Alvarado’s motion to change plea (dkt # 13) is GRANTED.

DATED this 17th day of January, 2012.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT